
SENATE BILL No. 133

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-296.3; IC 16-36-1.5.

Synopsis: Psychiatric advance directives. Defines "psychiatric advance directive". Provides that a health care representative may act in accordance with a psychiatric advance directive. (The introduced version of this bill was prepared by the commission on mental health.)

Effective: July 1, 2004.

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January 6, 2004, read first time and referred to Committee on Health and Provider Services.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 133

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-18-2-296.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 296.3. "Psychiatric advance directive" means a medical directive that:**

(1) is executed by an individual at a time when the individual has the capacity to execute the directive;

(2) expresses the individual's preference and consent to or refusal of the administration of treatment measures, including:

(A) administration of prescribed medication:

(i) orally; or

(ii) by injection;

(B) physical restraint;

(C) seclusion;

(D) electroconvulsive therapy; or

(E) mental health counseling;

for the care and treatment of the individuals's mental illness



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1 **during subsequent periods of incapacity; and**
 2 **(3) otherwise complies with and is subject to the requirements**
 3 **and provisions of IC 16-36.**

4 SECTION 2. IC 16-36-1.5-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This chapter, **except**
 6 **for section 5(b)(4) of this chapter**, does not apply when an individual
 7 is detained or committed under IC 12-26-4, IC 12-26-5, IC 12-26-6, or
 8 IC 12-26-7.

9 SECTION 3. IC 16-36-1.5-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. **(a) This section**
 11 **applies to a patient who:**

- 12 (1) receives mental health services; and
 13 (2) is mentally incompetent.

14 **(b) A patient described in subsection (a)** shall provide consent for
 15 mental health treatment through the informed consent of one (1) of the
 16 following:

- 17 (1) The patient's legal guardian or other court appointed
 18 representative.
 19 (2) The patient's health care representative under IC 16-36-1.
 20 (3) An attorney in fact for health care appointed under
 21 IC 30-5-5-16.
 22 **(4) The patient's health care representative acting in**
 23 **accordance with the patient's psychiatric advance directive as**
 24 **expressed in a psychiatric advance directive.**

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